

### **REMARKS**

Claims 1 and 3 through 10 are now pending in the application. Claims 1 and 3 have been amended and Claim 2 has been canceled. Basis for the amendments can be found throughout the application, drawings and claims as originally filed and as such, Applicant submits that no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **INTERVIEW SUMMARY**

Applicant thanks the Examiner for the courtesies extended in a telephonic interview conducted the afternoon of Tuesday, August 16, 2005 in which the Examiner and the undersigned attorney were the sole participants. The above-amendment to Claim 1 was discussed and the Examiner and the undersigned attorney agreed that Claim 1 was patentably distinguishable over the art of record. The Examiner requested that the undersigned attorney specifically identify the portion of the application where basis for the alternative language in the last "wherein clause" may be found, and in particular, the basis for a compressor arrangement where the compressor is located between the air tank and the handle and the compressor has a horizontally-disposed piston.

Applicant notes that Figure 11 and paragraph [0042] of the present application disclose an air compressor that is similar to that shown in Figure 3 (i.e., vertically-disposed piston) but which utilizes a handle (18c) that is coupled to the "rear" of the air compressor. Figure 11 and the accompanying text of paragraph [0042] disclose that a handle may be coupled to the front or rear of the compressor. Applicant notes, too, that paragraph [0051] of the present application states that the handle "may be mounted to any appropriate structure, such as the support structure 16 or the air tank 14". Accordingly, Applicant

respectfully submits that the amendment to Claim 1 does not impermissibly add new matter to the present application.

In this regard, Applicant notes a rejection under 35 U.S.C. §112, first paragraph (written description) is appropriate if the subject matter of an amendment is not supported directly or inherently by the originally filed specification, drawings or claims, as interpreted by one of ordinary skill in the art. Applicant respectfully submits that in view of Applicant's disclosure as characterized in the preceding paragraph, the amendment to Claim 1 is supported, directly or inherently, by the originally filed specification, drawings or claims as interpreted by one of ordinary skill in the art. Stated another way, Applicant respectfully submits that one of ordinary skill in the art would understand from the originally filed specification, drawings or claims that the handle (18c) shown in Figure 11 could be placed on an appropriate structure on a side of the air compressor of Figure 13 so that the compressor is disposed between the air tank and the handle.

Accordingly, Applicant respectfully submits that Claim 1 is in condition for allowance.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0044871 to Montgomery or by French Reference 1.140.265. This rejection is respectfully rendered moot.

Regarding the Montgomery reference, Applicant notes that it does not teach or suggest an oil-less air compressor and moreover does not teach or suggest an air compressor having a handle and a compressor body that are configured in the manner recited in Claim 1. Rather, the air compressor of the Montgomery reference discloses a compressor configuration wherein a longitudinal axis of the air tank is parallel to the lateral sides of the air compressor. Furthermore, the air compressor of the Montgomery reference

does not appear to be hand portable. Accordingly, Applicant submits that the Montgomery reference does not teach or suggest Claim 1 of the present application.

Regarding the French reference 1.140.265, Applicant notes that it, too, does not teach or suggest an oil-less air compressor and moreover does not teach or suggest an air compressor having a handle and a compressor having a handle and a compressor body that are configured in the manner recited in Claim 1. Rather, the air compressor of the French reference discloses a compressor configuration wherein the tank is parallel to/defines the lateral sides of the air compressor.

In view of the above remarks, Applicant respectfully submits that neither the Montgomery reference nor the French reference teach or suggest Claim 1. Accordingly, Applicant respectfully submits that Claim 1 is in condition for allowance and respectfully requests that the examiner reconsider and withdraw the rejection of Claim 1 under 25 U.S.C. §102(b).

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 3 through 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0044871 to Montgomery or French Reference 1.140.265. This rejection is respectfully rendered moot.

Applicant notes that Claims 3 through 9 depend from Claim 1 and as such, should be in condition for allowance for the reasons set forth for Claim 1, above.

#### **ALLOWABLE SUBJECT MATTER**


The Examiner has stated that Claim 10 has been allowed

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 18 August 2005

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